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16 RAMESH "SUNNY" BALWANI

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 HOLMES, et al.,

20 Defendants.

Case No. 18-CR-00258-EJD

**AMENDED STIPULATION AND
[PROPOSED] ORDER FOR
TEMPORARY RELEASE OF
DEFENDANT RAMESH "SUNNY"
BALWANI'S PASSPORT TO THE
CUSTODY OF DEFENSE COUNSEL**

21 Judge: Honorable Edward J. Davila

1 Defendant Ramesh “Sunny” Balwani, by and through undersigned counsel, states as
 2 follows:

3 1. On June 15, 2018, as a condition of his release in the above-entitled action, the
 4 Court ordered Mr. Balwani to surrender possession of his United States passport (his only
 5 passport) to U.S. Pretrial Services. Mr. Balwani surrendered his passport that same day. Pretrial
 6 Services currently holds his passport.

7 2. Mr. Balwani’s passport expired on June 26, 2019. Mr. Balwani’s Entry Visa to
 8 travel to India expired in March 2019. Mr. Balwani last traveled to India to visit his family in
 9 December 2017 and January 2018, during the investigation of this case. The government was
 10 informed of the international travel at that time and did not object.

11 3. On May 15, 2020, Mr. Balwani and the government filed a Stipulation and
 12 Proposed Order for temporary release of Mr. Balwani’s passport to the custody of defense
 13 counsel. Dkt. 398. The Stipulation stated that Mr. Balwani wished to renew his passport and
 14 Visa to India to ensure that he is able to request permission to travel to India, in order to visit and
 15 care for his elderly mother, whose health was in rapid decline. *See id.*

16 4. Just hours after the parties filed the Stipulation on May 15, 2020, Mr. Balwani
 17 learned that his mother had passed away.

18 5. Mr. Balwani now wishes to renew his passport and Visa and travel to India to
 19 perform the traditional Hindu ceremonial rites in relation to his mother’s death. This end of life
 20 ritual and rite of passage carries deep meaning and importance in the Hindu faith. Of particular
 21 significance to Mr. Balwani is that Mr. Balwani, as the eldest son, is to perform his mother’s final
 22 rites.

23 6. Mr. Balwani has been in full compliance with the conditions of his release in this
 24 case.

25 7. Due to COVID-19, the U.S. Department of State is currently not offering
 26 expedited passport renewal services other than in certain emergency situations. *See*
 27 <https://travel.state.gov/content/travel/en/passports/passport-help/faqs.html>. The State
 28 Department website indicates that applicants may still apply to renew passports by mail with

1 routine processing times, although applicants should “expect significant delays of several months
 2 due to COVID-19.” <https://travel.state.gov/content/travel/en/News/passports/passport-covid-19.html>. Expedited service is currently available in the event of a death in the applicant’s
 3 immediate family if the applicant applies within three days of scheduled travel.
 4 <https://travel.state.gov/content/travel/en/passports/get-fast/emergencies.html>.

5 8. Upon release of Mr. Balwani’s passport by Pretrial Services to Orrick, Herrington
 6 & Sutcliffe LLP (“Orrick”), counsel for Mr. Balwani, Orrick will work with Mr. Balwani to
 7 submit an application to renew the passport either through a routine or expedited application,
 8 depending on the date of travel scheduled in coordination with his family and State Department
 9 policy at the time of the application, and then subsequently arrange for the submission of an
 10 application for a Visa to India with the passport.

11 9. Once Mr. Balwani’s passport and Visa have been renewed, and provided the
 12 Government of India is permitting travel to India at that time, Mr. Balwani will travel to India to
 13 perform the final rites for his mother.¹ Mr. Balwani will provide his confirmed travel itinerary to
 14 the government and Pretrial Services as soon as he makes his travel arrangements.

15 In light of the foregoing, the parties stipulate and agree that, subject to this Court’s
 16 approval, U.S. Pretrial Services may temporarily release Mr. Balwani’s expired passport to
 17 Orrick, counsel for Mr. Balwani, for the purpose of renewing it and for the purpose of applying
 18 for a Visa to India. Once Mr. Balwani’s passport and Visa have been renewed, the parties
 19 stipulate and agree that, subject to this Court’s approval, Mr. Balwani may travel to India with a
 20 valid U.S. Passport to perform the final rites for his mother.

21 **IT IS SO STIPULATED.**

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¹ See <https://boi.gov.in/content/advisory-travel-and-visa-restrictions-related-covid-19-0>.

1 Dated: May 20, 2020

2 ADAM A. REEVES
3 Attorney for the United States Acting Under
4 Authority Conferred by 28 U.S.C. § 515

5 /s/ Jeff B. Schenk
6 JEFF B. SCHENK
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18 Attorneys for Ramesh "Sunny" Balwani

19 **Filer's Attestation:** Pursuant to Local Rule 5-1, I attest under penalty of perjury that concurrence
20 in the filing of the document has been obtained from its signatory.

21 Dated: May 20, 2020

22 By: /s/ Jeffrey B. Coopersmith
23 JEFFREY B. COOPERSMITH

DEFENDANT'S NOTICE OF PRETRIAL SERVICES POSITION

On May 20, 2020, counsel for Mr. Balwani inquired with Mr. Wilson by email, and with that email sent Mr. Wilson a copy of the instant Amended Stipulation with the government. Mr. Wilson responded on May 20, 2020 that he supports the proposed travel.

Dated: May 20, 2020

By: /s/ Jeffrey B. Coopersmith

JEFFREY B. COOPERSMITH

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1. U.S. Pretrial Services shall immediately release Ramesh “Sunny” Balwani’s U.S. passport to Orrick, Herrington & Sutcliffe on a temporary basis for the purpose of permitting Orrick, Herrington & Sutcliffe to arrange for the renewal of Mr. Balwani’s passport and Visa to travel to India.

2. Once Mr. Balwani's passport and Visa have been renewed, and provided the Government of India is permitting travel to India at that time, Mr. Balwani may travel to India with a valid U.S. Passport. Mr. Balwani shall provide his confirmed travel itinerary to the government and Pretrial Services as soon as he makes travel arrangements.

3. Mr. Balwani shall return his passport to U.S. Pretrial Services at 450 Golden Gate Ave., San Francisco, CA 94102 promptly after he returns from India.

Dated: May 20, 2020

Susan van Keulen
SUSAN VAN KEULEN
UNITED STATES MAGISTRATE JUDGE